

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

DOYLE BAKER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	5:02-cv-02775-JHH-HGD
	)	
Dr. RUSTY BATES,	)	
	)	
Defendant.	)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 4, 2005, recommending that the defendant's amended motion to dismiss (Doc. #19) be granted and this cause be dismissed pursuant to Rule 12(b)(1) of the *Federal Rules of Civil Procedure*. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the defendant's amended motion to dismiss (Doc. #19) is due to be **GRANTED**. A Final Judgment will be entered.

**DONE** this 8th the March, 2005.

A handwritten signature in cursive script, reading "James H. Hancock", is written in black ink on a light orange rectangular background. The signature is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE